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| Notice of Allowability | Application No. | | Applicant(s) | |
| | 10/663,920 | | LOVETT ET AL. | |
| | Examiner | | Art Unit | |
| | George Manuel | | 3762 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment, filed 4/9/07.
2. ☒ The allowed claim(s) is/are 1-54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date <u>4/9/07</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
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DETAILED ACTION

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marvin L. Beekman on 6/8/07.

The application has been amended as follows:

In claim 1, line1, replace "an" with --a physiologically sensed--,
line 2, before "state" insert --physiologic--,
line 16, replace "for analysis" with --indicating the physiologic state
or event--.

In claim 17, line1, replace "an" with --a physiologically sensed--,
line 2, before "state" insert --physiologic--,
line 18, after "waveform" insert --to identify or monitor the
physiological state or event--.

In claim 18, line1, replace "an" with --a physiologically sensed--,
line 2, before "state" insert --physiologic--,
line 17, replace "for analysis" with --indicating the physiologic state
or event--.

In claim 34, line1, replace "an" with --a physiologically sensed--,

line 2, before "state" insert –physiologic--,

lines 16-17, replace "for analysis" with –indicating the physiologic state or event--.

In claim 51, line1, replace "an" with –a physiologically sensed--,

line 2, before "state" insert –physiologic--,

line 20, replace "for analysis" with –indicating the physiologic state or event--.

In claim 52, line1, replace "an" with –a physiologically sensed--,

line 3, before "state" insert –physiologic--,

line 20-21, replace "for analysis" with –indicating the physiologic state or event--.

Allowable Subject Matter

Claims 1-54 are allowed.

The following is an examiner's statement of reasons for allowance:

Processing a physiologically sensed input signal using a plurality of filters or signal smoothing as claimed to remove a noise component and indicate a physiological state or event is not taught nor suggested by the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Pearlman (US 2001/0025139) discloses inputting physiologic signals into a data processor to convert the physiologic signals to derive desired data for monitoring changes and identifying timing of events relating to a live body organ under examination. There lacks a teaching or suggestion to compare a plurality of filtered signal portions to the input signal or to perform a signal smoothing operation as claimed by the present application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Manuel whose telephone number is (571) 272-4952.

/George Manuel /
George Manuel
Primary Examiner
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